

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:16-CR-14-BR

UNITED STATES OF AMERICA)
)
) ORDER
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MAGDALENO VAZQUEZ-RUIZ)
)

This matter is before the court on defendant's motion to determine mental competency pursuant to 18 U.S.C. § 4241 and unopposed motion to extend the deadline for filing pretrial motions and continue arraignment and trial.

Based on counsel's representation, there is reasonable cause to believe that defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The motion to determine mental competency is ALLOWED. For good cause shown, the motion to extend the deadline for filing pretrial motions and to continue arraignment and trial is ALLOWED. In order to allow adequate time for defendant's evaluation and for the court to hold a competency hearing, and to allow counsel adequate time to prepare, the court finds that the ends of justice served by this continuance outweigh the best interest and defendant in a speedy trial.

It is therefore ORDERED that:

1. Defendant be examined by at least one qualified psychiatrist or psychologist under the provisions of 18 U.S.C. § 4241 to determine whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is

unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense

2. The examining psychiatrist or psychologist shall prepare a written report containing the information designated in 18 U.S.C. § 4247(c). The report shall be filed under seal with the court and copies served on counsel for defendant and the United States Attorney as provided by 18 U.S.C. § 4247(c).
3. Pursuant to 18 U.S.C. § 4247(b), defendant is hereby committed to the custody of the Attorney General for a period of 30 days from the date of this order. The study ordered herein shall be completed and the report shall be filed within 30 days from the date of this order.
4. This matter is hereby set for hearing pursuant to 18 U.S.C. §§ 4241(c) and 4247(d) at 10:00 am, 29 August 2016, Courtroom 2, United States Courthouse and Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.
5. Any pretrial motion shall be filed on or before 12 September 2016. Any response thereto shall be filed on or before 19 September 2016.
6. Arraignment and trial are CONTINUED to 27 September 2016.
7. The period of delay occasioned hereby shall be excluded pursuant to 18 U.S.C. § 3161(h)(1)(A), (1)(D), (7)(A).

This 12 July 2016.



W. Earl Britt
Senior U.S. District Judge